

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JOHN DOE, et al.,

Plaintiffs,

v.

SIZEWISE RENTALS, LLC, et al.,

Defendants.

Civil Action No.: 09-3409 (JLL)

ORDER

This matter, having come before the Court by way of two motions to dismiss the Second Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6): (1) a motion filed by the Sizewise Defendants [Docket Entry No. 74], and (2) a motion filed by Defendants Arbor Glen Center and Natalie Bryson [Docket Entry No. 76]. For the reasons set forth by the Court in its corresponding Letter Opinion dated September 7, 2010,

IT IS on this 7th day of September, 2010,

ORDERED that the motion to dismiss filed by the Sizewise Defendants [Docket Entry No. 74] is **granted**; and it is further


ORDERED that Plaintiffs' Second Amended Complaint is dismissed, in its entirety, without prejudice; and it is further

ORDERED that Plaintiffs may file a Third Amended Complaint which cures the pleading deficiencies addressed by the Court in its September 7, 2010 Letter Opinion **on or before October 1, 2010**. Failure to do so will result in dismissal of the Second Amended Complaint with prejudice;

and it is further

ORDERED that the motion to dismiss filed by Defendants Arbor Glen Center and Natalie Bryson [Docket Entry No. 76] is **denied as moot**;

IT IS SO ORDERED.



JOSE L. LINARES,
UNITED STATES DISTRICT JUDGE